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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,381	02/29/2000	Joseph C. Anders		1109

7590

12/18/2003

Gregory M Friedlander & Associates P C
11 South Florida Street
Mobile, AL 36606-1934

EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/18/2003

4/

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,381

Applicant(s)

ANDERS ET AL.

Examiner

Scott L. Weaver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-44 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 5-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Claims 1 and 5-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5.

2. This application contains claims 1 and 5-19 drawn to an invention nonelected with traverse in Paper No. 5. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

3. This application lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, (ln.2) reference to “may be” is indefinite in that it is not clear if this means there definitely is multiple databases intended to be referred to or not.

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In Claim 20, the wording of the limitations is confusing in that there is no punctuation provided to separate what appears to be areas of required punctuation, for example, (ln.3) ‘referred to herein as the call between parties being a called party and a calling party originating as voice signals...’ the limitations run together and it is unclear of the definite intent.

In claim 20, “the call between parties” (ln.3) lacks antecedent basis.

In claim 20 (ln.5-6) with respect to ‘a plurality of digital datum including at least one digital word of a portion of the digital datum’, this conflicts with the remarks wherein a singular data is a datum, it is not clear what if anything is intended to be stated by this limitation.

In claim 20, (part (a) “the call specific group” lacks antecedent basis. It is not clear if “consisting of data consisting of ...” intends to require that each and every one of the listed items does occur in the generating of the at least one data or if this is supposed to be written such that generating of only at least one of the items listed is required, if so then ‘comprising’ should be used or commas used to separate what is consisting of what.

In claim 20, part (c), there is one signal referred to where previously multiple signal(s) where referred to (part b) thus it is not clear if there are plural signals or one signal being intended.

In claim 20, part (d), reference to “the database” is indefinite in that there may have been a plurality referred to on (ln.2).

In claim 20, part (d) “the call electromagnetic signal” lacks positive antecedent basis, using the exact phrase throughout the claim in referring to the exact same thing will avoid confusion in this respect.

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In claim 20, ln. 10 and ln. 11, reference is made to "its" in what is believed to be intended to refer to two different things, i.e. a beginning and an end.

In claim 20, part (d) it is unclear by (p.3,ln.2) "as at least one associated option from the group of options consisting of" if the intent is to refer to only one of the listed options being stored or if all of the options listed must be stored. This "as at least one associated option" phrase is also highlighted and it appears that it may be a mistyped phrase as it does not appear to fit into the limitations properly.

Claim 26 contains similar confusion as noted above with respect to claim 20.

The intent of the claims as written is entirely unclear and does not correspond in any way to the remarks of the response in paper # 8 (particularly page 10 therein which is clear), and as such it is suggested to rewrite the claims entirely to avoid further confusion.

Conclusion

6. The patentability of claims 20-44 can not be determined at this time due to the confusion noted above with respect thereto.

7. The prior art made of record and not relied on is considered pertinent to the claimed invention, all references previously made of record in the parent application should be made of record by applicant as they are considered to be known thereto.

8. **Any response to this final action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872-9306, (for formal communications; please mark
"EXPEDITED PROCEDURE")


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**Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or 2600 customer service at 703-306-0377.


SCOTT L. WEAVER
PRIMARY EXAMINER
Art Unit 2645